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EVENTBRITE, INC.
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 AMERANTH, INC.,

12 Plaintiff,

13 v.

14 EVENTBRITE, INC.,

15 Defendant.
16

CV NO. 3:13-CV-350-DMS-WVG

**DEFENDANT EVENTBRITE, INC.'S
BRIEF ON ISSUES RE: DOCKET
NOS. 450, 455**

1 Defendant Eventbrite, Inc. (“Eventbrite”) submits this brief regarding issues
2 raised in Docket Nos. 450 and 455.

3 Eventbrite joins the concurrently filed brief of defendant Starbucks (Docket
4 No. 502). Like Starbucks, Eventbrite has nothing to do with the disputes in Docket
5 Nos. 450 and 455. Ameranth did not sue Eventbrite until February 13, 2013. Other
6 than answering and attending last week’s telephonic status conference, nothing has
7 happened in the Eventbrite case. Eventbrite and Ameranth have not served initial
8 disclosures. No discovery has been propounded or responded to.

9 Most importantly, Ameranth has not served any infringement contentions
10 against Eventbrite. Ameranth has not identified the specific Eventbrite products
11 that allegedly infringe, and Ameranth has not provided any detail regarding how
12 Eventbrite products allegedly infringe. Requiring Eventbrite to produce technical
13 documents or source code prior to receiving Ameranth’s Local Patent Rule 3.1
14 disclosures would serve no purpose other than to permit Ameranth to conduct a
15 costly fishing expedition through Eventbrite’s technical documents and source
16 code, which would prejudice Eventbrite.

17 For these reasons and the reasons set forth by Starbucks, Eventbrite
18 respectfully requests that the Court deny Ameranth’s request to obtain discovery of
19 Eventbrite’s technical documents and source code prior to serving infringement
20 contentions. Ameranth should serve Eventbrite with infringement contentions that
21 comply with Patent Rule 3.1 on January 31, 2014, as proposed by Defendants in the
22 Joint Preliminary Report. Pursuant to Local Patent Rules, Eventbrite should not
23 have to make its Patent Rule 3.4(a) disclosures until 60 days after it receives those
24 contentions. Eventbrite should not suffer any prejudice due to Ameranth’s tactical
25 decisions on the timing of when it sued various defendants.

26 In addition, although issues related to interrogatory responses raised in
27 Docket Nos. 450 and 455 are not ripe as to Eventbrite, Eventbrite expects the
28 Court’s ruling on the propriety of such interrogatories to impact future discovery

1 served upon the newly consolidated defendants. Therefore, Eventbrite joins
2 Defendants' positions in Docket Nos. 450 and 455.

3 Dated: September 20, 2013

4 DLA PIPER LLP (US)

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6 By /s/ Erin P. Gibson

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Debby Brady